

**REMARKS**

The Office Action dated January 24, 2005 has been carefully considered. Claims 1, 3 and 9 have been amended. Claims 1 and 3-15 are in this application.

The previously presented claims 1-5 and 9-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,099,521 to Nestor et al. Applicant submits that the teachings of this reference do not teach or suggest the invention defined by the present claims.

Nestor et al. disclose a surgical retractor for retaining the mouth and lips in an open position during mouth and jaw surgery. A mouth gag is sized to fit concentrically at a spaced distance about the head. The mouth gag comprises a ring 21. A plurality of connectors 30 are releasably mounted along the ring 21. Each of the connectors 30 include an adjustable post 33 and a connect anchor 34. The adjustable post 33 provides axial movement to the ring. A beaded chain 35 is connected to connect the anchor 34. A retractor is attached to the beaded chain for retraction and widening of the mouth opening.

In contrast to the invention defined by the present claims, Nestor et al. do not teach or suggest that a gripping device is used to retract fat folds interfering with diagnostic or surgical procedures. Rather, Nestor et al. teach a mouth gag for widening a mouth opening, but do not teach or suggest that excess fat folds can be retracted. There is no teaching or suggestion in Nestor et al. of grasping fat folds.

Furthermore, Nestor et al. do not teach or suggest a device including an elongate arm having a plurality of open channels in which a plurality of flexible elements are adapted to each be received in one of the open channels. Further, there is no teaching or suggestion in Nestor et al. of a flexible element and the advantages of using a flexible element for retracting fat folds. Instead, Nestor et al. teach a beaded chain which can be connected to an anchor attached to the adjustable post. There is no teaching or suggestion of flexibility of the Nestor et al. chain. The present invention provides a simple arrangement for expeditiously adjusting a flexible element. In the present invention, the flexible element allows the fat folds to be comfortably retracted from interfering with a diagnostic or surgical procedure. There is no teaching or suggestion of this feature in Nestor et al.

Accordingly, since Nestor et al. do not teach each of the claimed elements of the present invention, the invention defined by the present claims is not anticipated by Nestor et al. and Applicant respectfully requests withdrawal of this rejection.

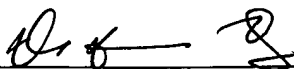
Claims 7-9 were rejected under 35 U.S.C. § 103 as obvious in view of Nestor et al. in combination with U.S. Patent No. 5,709,646 to Lange.

Lange teaches an elastic, sterile and disposable cover pad secured over a surgical retractor to reduce slipping of the retractor in the body cavity. In contrast to the invention defined by the present claims, Lange does not teach or suggest that a gripping device is used to retract fat folds interfering with diagnostic or surgical procedures. Lange is only directed to a disposable cover. Further, Lange does not teach or suggest a device including an elongate arm having a plurality of open channels in which a plurality of flexible elements are adapted to each be received in one of the open channels. Accordingly, Lange does not cure the deficiencies of Nestor et al. noted above and the invention defined by the present claims is not obvious in view of Nestor et al. in combination with Lange.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: April 22, 2005

  
\_\_\_\_\_  
Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.  
100 Thanet Circle, Suite 306  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036